

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

JAMES MICHAEL KIRKSEY,) Civil Action No. 0:14-cv-1248-RMG
)
)
Plaintiff,)
)
)
v.)
)
CAROLYN W. COLVIN,)
Acting Commissioner of Social Security,)
)
)
Defendant.)

ORDER

The Defendant, Carolyn W. Colvin, Commissioner of Social Security, has moved this Court, pursuant to 42 U.S.C. § 405(g), to enter a judgment with an order of reversal with remand of the cause to the Commissioner for purposes of conducting a *de novo* hearing.

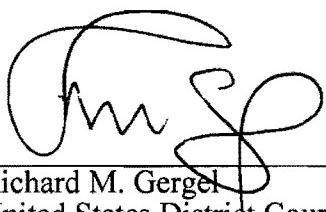
Further administrative action is warranted in this case. On order of the Court, the agency's Appeals Council will remand the case to an ALJ with instructions to give the Plaintiff an opportunity for a new hearing, take any steps necessary to complete the administrative record, and issue a new decision. The ALJ will arrange for a new consultative psychological evaluation, and if necessary, obtain evidence from a medical expert. The ALJ will give further consideration to the nature and severity of the Plaintiff's impairments at steps two and three and, if necessary, to the Plaintiff's residual functional capacity and ability to perform his past work or other work at steps four and five.

Pursuant to the power of this Court to enter a judgment affirming, modifying, or reversing the Commissioner's decision with remand in Social Security actions under sentence four of

42 U.S.C. § 405(g), and in light of the Commissioner's request for remand of this action for further proceedings, this Court hereby

REVERSES the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) with a **REMAND** of the cause to the Commissioner for further administrative proceedings.¹ See *Shalala v. Schaefer*, 509 U.S. 292 (1993).

AND IT IS SO ORDERED.



Richard M. Gergel
United States District Court Judge

December 10, 2014

Charleston, South Carolina

¹The clerk of the Court will enter a separate judgment pursuant to the Federal Rules of Civil Procedure, Rule 58.